

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-80219-CR-CANNON

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL GORDON DOUGLAS,)
)
 Defendant..)
)
 _____)

**NOTICE OF DEFENDANT’S PENDING MOTION FOR
VIDEO MEDICAL EXAMINATION AND TREATMENT**

The Defendant, Michael Gordon Douglas, by and through his undersigned counsel, wishes to inform the Court of the pending Motion seeking an Order of this Court permitting a duly licensed physician to have both telephonic (video) and possibly physical communications. Doctor Noor Yono, MD is a fully licensed physician, a diplomate of the American Board of Psychiatry and Neurology, and a specialist in the field. A copy of the pending Motion is contained in DE 32. The Defendant’s medical records are presently under seal per Order of this Court.

As evidenced in the Motion, dated and filed on April 4, 2024, the Government


does not oppose to the granting of said Motion. Further, this Court has been provided with the Defendant's medical records from the University of San Diego Health indicating that the Defendant suffers from spinal stenosis. His health has continued to deteriorate since he has been housed in the St. Lucie County Jail.

The Defendant has made financial arrangements for the requested video consultation with Dr. Yono, so neither the Sherriff nor the U.S. Marshals would incur any costs and since the request is for a video medical examination, there would be no need to transfer the Defendant to the doctor's office for examination and treatment.

Further, while counsel have regularly and professionally discussed issued related to this case, due to opposing counsel's trial schedule, undersigned counsel had not had the opportunity to review the various videos and photographs that the Government intends to introduce at trial. In order to provide the Defendant with his right to the effective assistance of counsel, such review must be viewed by counsel.

DATED this 2nd day of May, 2024.

/s/ John D. Kirby, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Defendant's Pending Motion and Motion for Video Medical Examination and Treatment has been furnished by Electronic Delivery using CM/ECF and to Assistant United States Attorney Gregory Schiller, Esq. at Gregory.schiller@usdoj.gov, to John D. Kirby, Esq. at jkirby@johnkirbylaw.com this 2nd day of May, 2024.

A handwritten signature in blue ink that reads "John R. Howes, Esq." in a cursive script.

John R. Howes, Esq.

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 MICHAEL GORDON DOUGLAS,)
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MOTION FOR VIDEO MEDICAL EXAMINATION AND TREATMENT

COMES NOW the Defendant, Michael G. Douglas, by and through his undersigned counsel and respectfully requests that this Honorable Court enter its Order directing the Sheriff of St. Lucie County and/or his designee to allow the Defendant to receive medical evaluation and potential treatment via video conference. A neurologist will assess and treat Mr. Douglas' ongoing medical conditions, in accordance with the Eighth Amendment to the United States Constitution.

1. This motion is based on the grounds that: (A) Mr. Douglas is currently suffering from the ongoing effects of what has been medically diagnosed as spinal stenosis; (B) defense counsel has engaged Doctor Noor Yono, MD a licensed Florida

physician, diplomate of the American Board of Psychiatry and Neurology specialist to evaluate Mr. Douglas' current medical condition related to his spinal stenosis diagnosis, prepare a short and medium term prognosis, and an opinion on the need for treatment; and (C) the staff of St. Lucie County Jail have requested that Mr. Douglas present a Court Order allowing him to receive outside medical treatment and/or evaluation in the form of a video call.

2. Mr. Douglas was transferred from the Southern District of California, after three (3) months in custody in that District. While in the Southern District of California, Mr. Douglas was taken to University of San Diego Health (UCSD) Hospital for evaluation. During an examination at UCSD Health, it was determined that he suffered from the condition of spinal stenosis. Mr. Douglas was subsequently transferred to St. Lucie County Jail ("Jail") and has reported developing increasing symptoms related to spinal stenosis, including but not limited to the following: pain in his hands and feet, shooting pain in his spine, migraines, swollen body and limbs, dizziness, and loss of feeling in his limbs. All of the foregoing prior diagnosis is contained in the sealed medical records of the Defendant.

3. The Defendant has made financial arrangements with Dr. Yono and therefore neither the U.S. Marshals nor the Sheriff will incur any related expenses.

4. Pursuant to Local Rule 88.9, counsel have conferred and AUSA Gregory Schiller has authorized the undersigned to advise the Court that the Government does not object to the relief sought herein.

WHEREFORE the Defendant Respectfully requests that this Honorable Court enter its Order directing the Sheriff of St. Lucie County, and/or his designee to allow the Defendant to be examined by Dr. Yono via confidential video conference or a similar video platform to determine his present condition, the current progression of his spinal stenosis, his short and medium term prognosis and the need for treatment.

DATED this 9th day of April, 2024.

/s/ John D. Kirby, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Video Medical Examination and Treatment has been furnished by Electronic Delivery using CM/ECF and to Assistant United States Attorney Gregory Schiller, Esq. at Gregory.schiller@usdoj.gov, to John D. Kirby, Esq. at

jkirby@johnkirbylaw.com and by Regular Mail to Sheriff Keith Pierson, 4700 W Midway Road, Fort Pierce, FL 34981 and to the U.S. Marshals Service at 300 S. 6th St., Fort Pierce, FL 34950 this 9th day of April, 2024.

John R. Howes, Esq.
John R. Howes, Esq.